

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

June 6, 2016

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Paul Johnson  
Commissioner Allen McAdoo  
Commissioner Robert Peay  
Commissioner Robert Stevens  
Commissioner Brad Turner  
Commissioner Trey Gooch, C

OTHERS PRESENT:

Ernest Burgess      Mike Nunley  
Frankie Johnson      Michael Kusch  
Kathy Campbell      Phil Griffin  
Pettus Read      Joe Gourley  
Rhonda Allen      Phil Dodd  
Shawn Kaplan      Doug Shafer  
Becky Scarlett

Chairman Gooch presided and called the meeting to order at 5:33 p.m. with six members being present at that time.

MINUTES:

"Commissioner Turner moved, seconded by Commissioner Stevens, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

FILL TWO VACANCIES ON LINEBAUGH LIBRARY BOARD:

Chairman Gooch advised applications had been received from Lisa Trail and Kathy Campbell for appointment to the Linebaugh Library Board. Ms. Campbell was in attendance and addressed the Committee. Chairman Gooch advised the Linebaugh Library Board of Directors had endorsed Ms. Trail and Ms. Campbell. Following discussion,

"Commissioner Stevens moved, seconded by Commissioner McAdoo, to elect Lisa Trail and Kathy Campbell by acclamation to the Linebaugh Library Board. This motion passed unanimously by acclamation."

FILL TWO VACANCIES ON COMMUNITY CARE BOARD:

Chairman Gooch advised applications had been received from Frankie Johnson and Mike Nunley for appointment to the Community Care Board. Both applicants were in attendance and addressed the Committee. Following discussion,

"Commissioner Johnson moved, seconded by Commissioner Turner, to reappoint Frankie Johnson and Mike Nunley to the Community Care Board. This motion passed unanimously by acclamation."

ANNOUNCE VACANCY ON INDUSTRIAL DEVELOPMENT BOARD AND HEALTH, EDUCATION & FACILITIES BOARD TO FILL UNEXPIRED TERM OF RANDALL MATLOCK:

Chairman Gooch advised Randall Matlock has submitted his resignation from the Industrial Development Board and Health, Education & Facilities Board and the same was accordingly being announced. The term expires August, 2021.

ANNOUNCE VACANCY ON STONES RIVER REGIONAL LIBRARY BOARD:

Chairman Gooch advised the position of Kathryn Boudreau-Henry on the Stones River Regional Library Board was expiring and accordingly being announced.

ANNOUNCE TWO VACANCIES ON INSURANCE COMMITTEE:

Chairman Gooch advised the positions of Ricky Marlin and Greg Hall, Citizens-at-Large on the Insurance Committee were expiring and accordingly being announced.

REPORT BY SONYA STEPHENSON, H.R. DIRECTOR:

Ms. Stephenson advised for the information of the Committee there have been Federal changes made to overtime effective December 1, 2016. She is in the process of analyzing what positions will be affected and will advise the Committee at the next meeting with her recommendations. It appears 30 to 35 positions are affected.

Ms. Stephenson next advised as to the Drug Free Workplace the cost for testing continues to rise due to Federal or State regulations. Ms. Stephenson advised for the information of the Committee there are other more cost effective avenues for testing and asked if the Committee wanted her to pursue those options. For new hires Ms. Stephenson suggested changing to do testing like the Probation Department. Ms. Stephenson advised she was requesting authorization to continue researching cost effective measures for drug testing and to make a report back. It was the consensus of the Committee to have Ms. Stephenson continue her research and provide further information.

DISCUSSION ON RECENT CONTROVERSY:

Chairman Gooch advised the recent controversy is the indictments against Sheriff Robert Arnold and Deputy Chief Joe Russell.

Commissioner Turner advised constituents are frustrated and angry and the Commission has the responsibility to look into alternatives. Sheriff Arnold and Mr. Russell are innocent until proven guilty but there is concern over leadership and morale at the Sheriff's Department and Commissioner Turner advised he felt Sheriff Arnold and Mr. Russell need to resign. He is concerned on the impact on staff and community and his constituents are asking him to do his job as a Commissioner and pursue options and keep moving forward. The Commission has responsibility outside of the Courts to protect the County.

Commissioner Peay advised options include censure, ask for resignations or file an ouster suit. Commissioner Peay advised he has a problem with filing an ouster suit because it may be harmful to the criminal charges being brought per the District Attorney and suggested the County Mayor invite the District Attorney to speak to the Commission to answer questions. Commissioner Peay advised a censure is basically a slap on the wrist that we see the activities and we are unhappy but it is not binding.

Commissioner Stevens advised the Commission is not here to judge the innocence or guilt of anyone but needs to remove personalities and friendships from decision making and base decisions on facts and logic. The only options are to ask the Sheriff and Mr. Russell to resign or file for ouster. The Commission cannot fire the Sheriff because he is elected by the people for a four year term and the Commission cannot terminate that employment. The only way to remove is resignation, being found guilty of a felony or an ouster suit. Commissioner Stevens advised he recommended moving forward with an ouster suit and send it to the Commission and also listen to the District Attorney. There could be a hearing shortly after an ouster is filed and a Judge could rule to suspend the defendants without pay pending further process. The ouster could affect discovery in the criminal charges but Commissioner Stevens advised he was comfortable recommending the ouster suit at the next Commission subject to discussion with the District Attorney at the Commission.

Commissioner Shawn Kaplan advised he believes it is in the best interest of the County to move forward with a definitive action and an ouster could be brought on charges not included in the Federal charges.

Commissioner Mike Kusch asked why a constitutional officer has no accountability to anyone. As to Sheriff Arnold, Commissioner Kusch advised he gets calls regarding black lists and fire lists and is concerned for employees at the Sheriff's Office and supports ouster.

Commissioner Rhonda Allen advised she recommended an executive session at the Commission meeting on June 16 with the District Attorney and County Attorney and the Commission could take action at its meeting at the end of the month.

Commissioner Shafer advised he has a problem with the County receiving black eyes over the last couple of years and recommended proceeding with ouster at the meeting at the end of the month if resignations have not been received by then.

"Commissioner Turner moved, seconded by Commissioner Stevens, to ask for the resignation of Sheriff Robert Arnold."

Commissioner McAdoo advised he was reluctant to ask for the resignation since the District Attorney or County Attorney is not present to provide advice and the action may be opening the County to liability or a lawsuit.

Commissioner Peay advised as a member of the Ethics Committee he has been dealing with this matter a long time but has had to take the advice of the attorney to wait on the Court process and asked the Committee to wait until the full Commission to make a motion when legal representation is available.

Commissioner Johnson advised the Commissioners are elected as leaders and the general feeling from constituents is something needs to be done and to take a stand of some sort.

Commissioner Peay advised he did support a Resolution for resignation but wanted to do it at the full Commission.

"The motion to ask for the resignation of Sheriff Robert Arnold passed by roll call vote with Commissioners Johnson, Stevens, Turner and Gooch voting "yes" and Commissioners McAdoo and Peay voting "no".

Commissioner Gourley advised the Sheriff is the chief law enforcement officer and reports only to the public. However, when that trust is betrayed there are issues and from conversations with his contacts in law enforcement, Rutherford County is a laughing stock and he thought the Sheriff should resign and he supported an executive session with the District Attorney and/or County Attorney and does not want to do anything that would jeopardize the criminal proceedings.

"Commissioner Stevens moved, seconded by Commissioner McAdoo, to put an executive session with the District Attorney and County Attorney on the June 16 Commission agenda with discussion afterwards on an ouster suit. This motion passed unanimously by roll call vote."

#### RESOLUTION IN HONOR OF BLUE ANGEL JEFF KUSS:

Commissioner Stevens advised he wanted to request a Resolution in honor of Blue Angel pilot Jeff Kuss recently killed when his plane crashed for his military service and heroic sacrifice in going with his plane avoiding any lives lost on the ground.

"Commissioner Stevens moved, seconded by Commissioner Turner, to have a Resolution of Honor at the next Commission meeting for Blue Angel pilot Jeff Kuss. This motion passed unanimously by acclamation."

There appearing to be no further business to come before the Committee, Chairman Gooch declared the meeting adjourned at 6:27 p.m.

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TREY GOOCH, Chairman